IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

-

WRIT PETITION No.14113 of 2004

Between:

P. Atchaiah Babu, S/o. P. Rama Kotaiah,

Aged 47 years, R/o. HIG-30, V-Phase,

K.P.H.B. Colony, Kukatpally,

Hyderabad.

..... PETITIONER

AND

1 A.P. Housing Board rep. by its Vice Chairman,

Gruhakalpa Complex, Hyderabad.
2 The Executive Engineer (Housing),

Western Division, A.P. Housing Board,

Kukatpally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ declaring that the action of the respondents contained in proceedings of the 2nd respondent bearing No.30/HIG/PhV/KKP/E3/EE(WD)/1377 dt.23.06.2004, canceling the allotment of additional land which is adjoining the house of the petitioner (H No.30/HIG, Phase-V, venture -IV, K.P.H.B. Colony, Hyderabad) is arbitrary and illegal and

consequently direct the respondents to complete the sale transaction of the said additional land to the petitioner as per the allotment dt. 30.11.2001 and direct the respondent to forbear from interfering with the possession and enjoyment of the petitioner over the said land and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent No.: MR.J.PRABHAKAR (SC FOR APHB)

The Court made the following:

ORDER:

The petitioner was allotted a plot bearing No.30 HIG, Phase-V, Venture-IV in K.P.H.B. Colony, Hyderabad. Under the scheme, the petitioner is required to pay the sale consideration in instalments. As he did not pay the amount, it appears the second respondent issued a notice calling upon the petitioner to pay a sum of Rs.3,35,915/- within 30 (thirty) days. The petitioner alleges that he has paid an amount of Rs.1,35,915/- by way of Cheque dated 24.12.2001 and the remaining amount of Rs.2,00,000/- by way of Demand Draft drawn on H.D.F.C. Bank. The petitioner's grievance is that inspite of the payment, the first respondent has issued Proceedings dated 23.6.2004 cancelling the allotment without giving any prior notice. The order is assailed in the writ petition.

This Court while admitting the writ petition suspended the interim order and directed the respondents to file counter. Today, the WPMP is again listed for further orders. Sri J. Prabhakar, learned Standing Counsel fairly submits that as per the records, the impugned order was not preceded by any notice of cancellation. In that view of the matter, this Court is of the considered opinion that instead of keeping the matter pending, the same can be disposed of in the following manner:

The impugned Proceedings bearing No.30/HIG/Ph-V/KKP/E3/EE (WD)/377, dated 23.6.2004 is set aside and the matter is remitted to the first respondent with a direction to issue a notice to the petitioner, receive explanation and pass appropriate orders in accordance with law. This exercise may be completed within a period of six weeks from the date of receipt of a copy of this order. Till then, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is disposed of.

_____

Date: 01st September, 2004. (**V.V.S. RAO, J**)

YS

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman, A.P. Housing Board,

Gruhakalpa Complex, Hyderabad.
2. The Executive Engineer (Housing),

Western Division, A.P. Housing Board,

Kukatpally, Hyderabad.

3. Two CD copies.